

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

LADONNA L. BLAIR

PLAINTIFF

V.

NO. 4:06CV00513 WRW/JTR

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration

DEFENDANT

**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**INSTRUCTIONS**

This recommended disposition has been submitted to United States District Judge William R. Wilson, Jr. The parties may file specific written objections to these findings and recommendations and must provide the factual or legal basis for each objection. An original and one copy of the objections must be filed with the Clerk no later than eleven (11) days from the date of the findings and recommendations. A copy must be served on the opposing party. The District Judge, even in the absence of objections, may reject these findings and recommendations in whole or in part.

**RECOMMENDED DISPOSITION**

Pending before the Court is Plaintiff's Application for Authorization of EAJA Fee (docket entry #13). Defendant has filed a Response (docket entry #16), and the matter has been referred to this Court for recommended disposition (docket entry #15). For the reasons set forth herein, the Court recommends that the application be granted.

On April 27, 2006, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying her social security benefits (docket entry #2). On July 31, 2007, the Court entered an Order (docket entry #11) that remanded the case to the ALJ pursuant to sentence

four of 42 U.S.C. § 405(g).

On August 27, 2007, Plaintiff's attorney, Mr. H. Mayo Smith, filed an Application for Authorization of EAJA Fee. In this Application, Mr. Smith seeks payment for 38.25 hours of work performed by him at the hourly rate of \$150.00 (\$5,737.50). The Commissioner does not contest Plaintiff's entitlement to an award of attorney's fees under the EAJA and asserts that he has no objection to the amount requested by Plaintiff's attorney (docket entry #16).

Under the EAJA, a prevailing social security claimant is entitled to an award of reasonable attorney's fees unless the Commissioner's position in denying benefits was "substantially justified" or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). A claimant who wins a sentence four remand order, such as the one entered in this case (docket entry #11), is a prevailing party entitled to EAJA fees. *See Shalala v. Schaefer*, 509 U.S. 292, 302 (1993).

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of attorney's fees under the EAJA and that the amount requested by Plaintiff's attorney is reasonable. Accordingly, the Court recommends that Plaintiff's attorney receive a total award of \$5,737.50.

IT IS THEREFORE RECOMMENDED that Plaintiff's Application for Authorization of EAJA Fee (docket entry #13) be GRANTED.

IT IS FURTHER RECOMMENDED that the Commissioner certify and pay to Mr. H. Mayo Smith, attorney for Plaintiff, \$5,737.50 as attorney's fees and expenses, pursuant to the EAJA.

DATED this 7<sup>th</sup> day of November, 2007.

  
UNITED STATES MAGISTRATE JUDGE